

2013 MAY 13 AM 9:44

BEFORE THE FEDERAL ELECTION COMMISSION

CELA

In the Matter of)
) MUR 6529
Gloria Negrete McLeod; Gloria Negrete)
McLeod for Congress and Gilbert)
McLeod in his official capacity as)
treasurer; Gloria Negrete McLeod for)
Senate 2010; Gloria Negrete McLeod for)
Supervisor 2014; Lang, Hansen,)
O'Malley & Miller)

CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on May 09, 2013, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-3 to:

- a. Find reason to believe that Gloria Negrete McLeod, Gloria Negrete McLeod for Senate 2010, Gloria Negrete McLeod for Supervisor 2014, and Gloria Negrete McLeod for Congress and Gilbert McLeod in his official capacity as treasurer violated 2 U.S.C. § 441i(e)(1)(A) and 11 C.F.R. §§ 110.3(d) by using non-federal funds to pay for polling and survey research for a federal election.
- b. Find reason to believe that Gloria Negrete McLeod for Congress and Gilbert McLeod in his official capacity as treasurer violated 2 U.S.C. § 434(b) and 11 C.F.R. § 100.72(a) by failing to report an in-kind contribution.
- c. Find no reason to believe that Lang, Hansen, O'Malley & Miller violated 2 U.S.C. § 441a(a)(1) and 11 C.F.R. § 110.1(b) by making an excessive contribution.
- d. Find no reason to believe that Gloria Negrete McLeod for Congress and Gilbert McLeod in his official capacity as treasurer violated 2 U.S.C. § 441a(a)(1) and 11 C.F.R. § 110.1(b) by receiving an excessive contribution.

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- e. Find no reason to believe that Gloria Negrete McLeod for Congress and Gilbert McLeod in his official capacity as treasurer violated 11 C.F.R. § 104.7(b) failing to use "best efforts" to collect contributor information in a fundraising solicitation.
 - f. Find reason to believe that Gloria Negrete McLeod for Congress and Gilbert McLeod in his official capacity as treasurer violated 2 U.S.C. § 441d and 11 C.F.R. § 110.11 by failing to include the proper disclaimer on a fundraising solicitation.
 - g. Find reason to believe that Gloria Negrete McLeod and Gloria Negrete McLeod for Congress and Gilbert McLeod in his official capacity as treasurer violated 2 U.S.C. § 441i(e)(1)(A) and 11 C.F.R. § 300.61 with respect to the solicitation of prohibited funds.
 - h. Find reason to believe that Gloria Negrete McLeod and Gloria Negrete McLeod for Senate 2010 violated 2 U.S.C. § 441i(e)(1)(B) and 11 C.F.R. § 300.62 by disbursing non-federal funds to state and local candidates.
 - i. Approve the Factual and Legal Analyses as recommended in the First General Counsel's Report dated January 14, 2013 as appropriate to support these findings and consistent with the edits circulated by email on February 20, 2013.
 - j. Authorize an investigation to determine the allocation percentages for the cost of the polling research.

Commissioners Walther and Weintraub voted affirmatively for the motion.

Commissioners Hunter, McGahn II, and Petersen dissented.

2. Decided by a vote of 5-0 to:

- a. Find no reason to believe that Lang, Hansen, O'Malley & Miller violated 2 U.S.C. § 441a(a)(1) and 11 C.F.R. § 110.1(b) by making an excessive contribution.
- b. Find no reason to believe that Gloria Negrete McLeod for Congress and Gilbert McLeod in his official capacity as treasurer violated 2 U.S.C. § 441a(a)(1) and 11 C.F.R. § 110.1(b) by receiving an excessive contribution.

- c. Find no reason to believe that Gloria Negrete McLeod for Congress and Gilbert McLeod in his official capacity as treasurer violated 11 C.F.R. § 104.7(b) failing to use "best efforts" to collect contributor information in a fundraising solicitation.
- d. Approve the Factual and Legal Analyses as recommended in the First General Counsel's Report dated January 14, 2013 as amended to support these findings and consistent with the edits previously circulated by email.
- e. Approve the appropriate letters.
- f. Close the file.

Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for decision.

Attest:

May 10, 2013
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary of the Commission

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